

Diane Mathews

Subject: FW: Confidential University Communication - Notice of Hearing (Time Sensitive)
Attachments: Notice of Hearing [REDACTED]

From: Babb, Emily C (ecb6y) [mailto:ecb6y@virginia.edu]

Sent: Wednesday, June 05, 2019 2:58 PM

To: [REDACTED]

Cc: 'Rhonda Quagliana'; Title IX Coordinator; Mitchell, Jennifer E (jep3f); Tyler, Crystal L. (Richmond); Groves, Allen William (awg8vd)

Subject: Confidential University Communication - Notice of Hearing (Time Sensitive)

Dear [REDACTED]

Attached please find the Notice of Hearing in the pending Title IX matter involving you. This matter has been set for hearing on July 1, 2019 at 9:00 am at O'Neil Hall. The attached letter explains the Review Panel Hearing, your opportunity to notify me if you believe any of the Review Panel members have an actual conflict of interest, and your opportunity to request witnesses be present or request to participate through alternative means.

Please do not hesitate to contact me if you have any questions.

Best regards,

Emily

Emily C. Babb
Assistant Vice President for Title IX Compliance/Title IX Coordinator



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Pronouns: she, her, hers



OFFICE for EQUAL OPPORTUNITY and CIVIL RIGHTS

Title IX Office • O'Neil Hall, Terrace Level, Room 037 • 445 Rugby Road • Charlottesville, VA 22904 • (434) 297-7988

June 5, 2019

Via Electronic Mail

Dear [REDACTED]

RE: Notice of Review Panel Hearing

I am writing to inform you that the University of Virginia has scheduled a Review Panel Hearing ("Hearing") in reference to the report of Prohibited Conduct concerning you and [REDACTED] ("Complainant") under the University's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence ("the Title IX Policy"). You have contested the recommended findings of responsibility for Sexual Assault (in the form of nonconsensual sexual intercourse). The Complainant has not contested the recommended findings of no responsibility for Sexual Assault (in the form of intentional nonconsensual sexual contact).

The Hearing will occur on **Monday, July 1, 2019, at 9:00 AM, in the Second Floor Conference Room of O'Neil Hall, 445 Rugby Road, Charlottesville, Virginia.** It will be conducted in accordance with Section VI.A.3 of Appendix A of the Procedures for Reports Against Students ("the Procedures").

Please note that there is limited guest parking available at O'Neil Hall. As such, we kindly ask that you please carpool with other members of your group, if at all possible. Prior to parking in a designated space upon your arrival to O'Neil Hall, please check in with the Receptionist at the main entrance to receive instructions on where to park as well as to obtain a parking pass. Jenna Mitchell, Executive Assistant to the Title IX Office, will then be present to assist you throughout the rest of the day.

Review Panel

I have appointed **Crystal L. Tyler**, an external professional with experience adjudicating cases of Prohibited Conduct, to serve as the Non-Voting Hearing Chair. I have also selected three trained members of the University community to serve on the Review Panel and one alternate:

Manuel Lerdau
Professor, Department of Environmental Sciences

Mission

Ensuring equal opportunity and protecting the civil rights of all University community members through proactive outreach, education, and effective response and resolution.

Susan Kools

Professor, School of Nursing

Archie Holmes

Vice Provost, Office of the Executive Vice President and Provost

Alternate Panelist:

Adrian Miller

Employee Relations Consultant, Health System Human Resources

Please notify me within 48 hours of the date of this notice if you believe any of the above-named panelists are not able to serve on the Review Panel in an impartial manner due to actual bias and/or a conflict of interest.

Hearing Format

The Hearing is an opportunity for the parties to address the Review Panel, in person, about whether the preponderance of the evidence standard was appropriately applied by the Investigator, whether the investigation was thorough, fair and impartial, and whether there is sufficient evidence to support the Investigator's recommended findings by a preponderance of the evidence. You may address any information in the Final Investigation Report, dated May 22, 2019, any supplemental statements filed by the parties in response to the report, and/or any impact or mitigation statements submitted by the parties. Complainant and you each have the opportunity to be heard, to identify witnesses for the Review Panel's consideration, and to respond to any questions of the Review Panel. You may not directly question one another or any witness, although you may submit questions to the Review Panel, the members of which may choose, in their discretion, to pose appropriate and relevant questions of the Investigator, the parties, or any witnesses. A typical hearing includes brief opening remarks by the Complainant and/or the Respondent, with follow-up questions posed by the Review Panel; information presented by the Investigator or witnesses deemed relevant by the Review Panel, with follow-up questions by the Review Panel of the Investigator or witnesses; and brief concluding remarks by the Complainant and/or Respondent. The Hearing Chair has the discretion to determine the specific Hearing format.

Participation in Hearing

Parties:

Complainant and you both have a right to be present at the hearing. Either of you may request alternative methods for participating in the hearing that do not require physical proximity to the other, including participation through electronic means. If you wish to make such a request, please notify me via email at titleixcoordinator@virginia.edu by 5:00 PM on Friday, June 14, 2019. Neither party is required to participate in the Hearing in order for the Hearing to proceed.

[REDACTED]

Investigator or Other Witnesses:

The Review Panel may request the presence of the Investigator or any other witness they deem necessary to their determination. The parties may also request the presence of any witness they deem relevant to the determination. Please notify me of any such witnesses by **5:00 PM on June 14, 2019** so we can ascertain their availability. The Review Panel has absolute discretion to determine which witnesses are relevant to their determination and may decline to hear from witnesses where they determine the information is not necessary for their review.

Advisors:

Complainant and you have the right to be accompanied at the Hearing by an advisor of your choosing. The advisor may be anyone, including an attorney, who is not otherwise a party or witness. While the advisor may provide support and advice to a party at the Hearing, the advisor may not speak on behalf of the party or otherwise participate in, or in any manner disrupt, the Hearing. The Hearing Chair may remove any individual whose actions are disruptive to the proceedings.

If you will have an advisor attend the Hearing, please notify me of your advisor's name and contact information so I can provide the information to the Hearing Chair.

Procedure for Requesting Reasonable Accommodations

If you are an individual with a disability and need a reasonable accommodation in order to fully and effectively participate in the Hearing, please notify me as soon as possible. I will work with the Students with Disabilities Access Center (SDAC) to ensure reasonable accommodations are provided.

Determination by the Review Panel

Because you have contested the recommended findings of Responsibility for Sexual Assault contained in the Final Investigation Report, the Review Panel will, at the conclusion of the hearing, determine, by majority vote, whether the preponderance of the evidence standard was appropriately applied by the Investigator by making a finding:

- (1) whether the concerns stated by you raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation; and, if not,
- (2) whether there is sufficient evidence to support the Investigator's recommended findings by a preponderance of the evidence.

If the Review Panel finds that any concerns stated by you raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation, it will remand the matter to me with instructions for further investigation or other action.

[REDACTED]

If the Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation and affirms that there is sufficient evidence to support the recommended findings of responsibility by a preponderance of the evidence, it will then determine, by majority vote, the appropriate sanction(s) for the Prohibited Conduct, as outlined in Section VI.A.3 (g) of the Procedures.

Sincerely,

Emily Babb

Emily Babb
Assistant Vice President for Title IX Compliance
and Title IX Coordinator

cc: Allen Groves, University Dean of Students
Crystal Tyler, Non-Voting Hearing Chair
Rhonda Quagliana, Advisor
Jenna Mitchell, Executive Assistant to the Title IX Coordinator